IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 4619 of 1999

For Approval and Signature:

HONOURABLE MR.JUSTICE D.H.WAGHELA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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ATUL ISHWARBHAI SHAH
Versus
STATE OF GUJARAT AND OTHERS

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Appearance :
MR NILESH M SHAH for Applicant.
MR HL JANI, APP for Respondent No.1.
RULE SERVED for Respondent Nos.2 - 3.

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CORAM : HONOURABLE MR.JUSTICE D.H.WAGHELA

Date : 13/06/2007

ORAL JUDGMENT

The present petition invoking Articles 20 (2) and 226 of the Constitution and based on the contention that the petitioner was sought to be tried again on the basis of the same facts and allegations, was not

pressed with a view to taking all the available defences in the trial Court. Learned counsel for the petitioner was not sure and had no concrete instructions about the status of investigation pursuant to FIR lodged against the petitioner and another officer of which a copy is annexed at Annexure-D to the petition. Accordingly, petition is disposed as withdrawn, Rule is discharged and interim relief is vacated with no order as to costs.

(D.H.Waghela, J.)

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